

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking on the  
Commission's Own Motion to Assess and Revise  
the New Regulatory Framework for Pacific Bell  
and Verizon California Incorporated.

Rulemaking 01-09-001  
(Filed September 6, 2001)

Order Instituting Investigation on the  
Commission's Own Motion to Assess and Revise  
the New Regulatory Framework for Pacific Bell  
and Verizon California Incorporated.

Investigation 01-09-002  
(Filed September 6, 2001)

**ADMINISTRATIVE LAW JUDGE'S RULING GRANTING VERIZON'S  
MOTION TO PLACE EXHIBIT 213-C UNDER SEAL**

This ruling grants the motion filed by Verizon California Inc. (Verizon) to place Exhibit 213-C under seal.

**Background**

On April 16, 2002, Verizon filed a motion to place under seal Attachments B, C, and D to Exhibit 213-C. These attachments contain information about the cost of equipment, materials, and supplies that Verizon purchased from an affiliate, Verizon Logistics Inc. Verizon contends that this information should be placed under seal for three reasons. First, the information has been kept confidential by Verizon and has never been released to the public. Second, Verizon believes that it would be harmed by disclosure of the information. This is because the information might allow competitors of Verizon's affiliate to

determine what prices the affiliate would accept in negotiations (which the affiliate would then pass through to Verizon). Finally, Verizon believes that the harm it would suffer from disclosure outweighs the public's interest in disclosure. Verizon states that all parties who wish to obtain the information may do so by signing a nondisclosure agreement, and the "Commission does not ordinarily second-guess the parties' confidentiality designations where the data is made available subject to a nondisclosure agreement." (Decision 92-09-082, Cal. PUC LEXIS 956, \*6.)

There was no response to Verizon's motion.

### **Discussion**

As set forth in the ALJ ruling issued on January 8, 2002, the Commission will not grant requests to place information under seal unless all of the following criteria are satisfied:

- The information the utility seeks to place under seal has been kept confidential by the utility and is not available to the public.
- Disclosure of the information would cause substantial and irreparable harm to the utility.
- The harm that would be caused by disclosure of the information outweighs the public interest in disclosure.

Verizon has met its burden to demonstrate that the information it seeks to place under seal satisfies all of the above criteria. Accordingly, Verizon's motion to place Exhibit 213-C under seal is granted.

Therefore, **IT IS RULED** that:

1. The motion filed by Verizon California Inc. (Verizon) to place Exhibit 213-C under seal is granted.
2. Exhibit 213-C shall remain under seal for a period of two years from the date of this ruling. During that period, Exhibit 213-C shall not be made accessible or disclosed to anyone other than Commission staff except (i) on further order or ruling of the Commission, the assigned Commissioner, the assigned Administrative Law Judge (ALJ), the ALJ then designated as Law and Motion Judge, or the Chief ALJ, or (ii) as may be required by law, or (iii) with the written permission of Verizon.
3. If Verizon believes that Exhibit 213-C should remain under seal after two years, it may file a motion that states the justification for further withholding of Exhibit 213-C from public inspection or such other relief as the Commission's Rules may then provide. The motion must be filed at least 30 days before the expiration of this ruling.

Dated May 22, 2002, at San Francisco, California.

/s/ TIMOTHY KENNEY

Timothy Kenney  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail, and by electronic mail, to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Verizon's Motion to Place Exhibit 213-C Under Seal on all parties of record in this proceeding or their attorneys of record.

Dated May 22, 2002, at San Francisco, California.

/s/ JACQUELINE GORZUCH

Jacqueline Gorzuch

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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